

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

76-1210

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

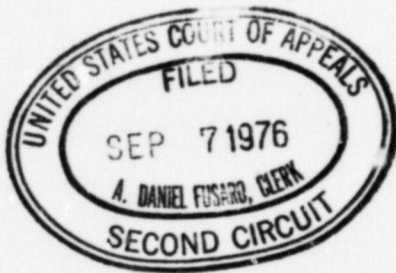
UNITED STATES OF AMERICA

v-

WILLIAM TURNER,

Appellant

APPELLANT'S APPENDIX



NANCY ROSNER, ESQ.
Attorney for Appellant
William Turner
401 Broadway
New York, New York 10013
(212) 925-8844

B
P/S

PAGINATION AS IN ORIGINAL COPY

INDEX TO APPENDIX

	<u>PAGE</u>
Docket Entries.....	A-1
Indictment 75 Cr.1112.....	A-4
Extracts - Dawson - Direct.....	A-15
Extracts - Dawson - Cross-examination.....	A-24
Extracts - March - Direct.....	A-49
Colloquy - pro se.....	A-56
Colloquy - pro se.....	A-59
Colloquy - pro se.....	A-61
Colloquy - pro se.....	A-67
Motion for Judgment of Acquittal or New Trial.....	A-73
Supplemental Memorandum in Support of Motion.....	A-85
Excerpt - Denial of Motion.....	A-88
Excerpt - list of 3500 material.....	A-89
Judgment of Conviction and Commitment Order.....	A-90
Notice of Appeal.....	A-91

U.S. CODE SECTION: 21:846, 21:812, 841. OFFENSES: Consp. to viol. Fed. Narco. Laws. Distr. & possess. of Heroin, I. MAG. CASE NO. 1, 10. Bail: 10% Deposit, Surety Bond, Collateral, 3rd Party Custody, PSA.

U.S. Attorney of Dist. Thomas E. Engel (212) 791-1929. Defense: Jerold C. Weissfeld. TRIAL: Trial Not For, Trial For, Trial Ended.

Search Warrant, Summons, Arrest Warrant, COMPLAINT, OFFENSE (in Complaint). OUTCOME: Dismissed, Held for District Court, Held to Answer to U.S. District Court, AT, Magistrate's Initials.

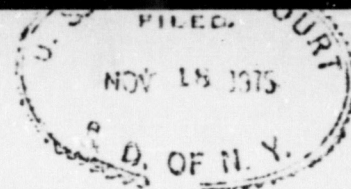
Robinson-1; Taylor-2; Turner-3; Ferguson-4; March-5; Ransom-6; Wesley-7; Ellis-8; Smith-9; Tate-10; Salley-11; La Salata-12; Barber-13; Hansen-14; Green-15; Miller-16; Sweeney-17. -18-75 Filed indictment. Superseding 75 Cr 788 and referred to Duffy, J. 3-75 Pre-trial conf. held Court enters plea of not guilty. Trial 1-21-76. -24-75 Filed notice of appearance by Jerold C. Weissfeld. 100 3 Way MC. 18-75 Filed notice of motion for discovery and inspection... 13-76 Filed notice of motion for a bill of particulars... 26-75 Sett. produced in court on a writ... Trial began with a Jury and adj'd to 1-29-76... Ct. 2 is to be bifurcated from the trial. 29-76 Trial cont'd. 30-76 Trial cont'd.

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3-3-76	Trial cont'd with jury selection.				
4-4-76	Trial cont'd. Prior to jury being sworn and w/o jury present. Deft. Warren Robinson's motion for a severance Granted case will proceed to trial with 12 depts. Request by certain defense counsel to proceed to trial w/o a jury denied for lack of majority. JURY EMANELLED & SWORN.				
5-5-76	Trial cont'd. writ satisfied as to W. Robinson.				
6-6-76	Trial cont'd.				
7-7-76	Trial cont'd.				
8-8-76	Trial cont'd.				
9-9-76	Trial cont'd.				
10-10-76	Trial cont'd.				
11-11-76	Trial cont'd.				
12-12-76	Trial cont'd.				
13-1-76	Trial cont'd.				
14-2-76	Trial cont'd. Deft. William Turner moves to act as counsel on his own behalf Motion Granted. Defense counsel Jerold Weisfeld to remain as advisor to Turner				
15-3-76	Trial cont'd.				
16-4-76	Trial cont'd.				
17-5-76	Trial cont'd. All depts move for a mistrial "Decision Reserved"				
18-6-76	Trial cont'd. Motion made by all depts for a mistrial-DENIED... All depts move to dismiss indictment... Decision reserved				
19-7-76	Trial cont'd. Motion to dismiss denied				
20-8-76	Trial cont'd				
21-9-76	No Trial day				
22-10-76	Trial cont'd. (20)				
23-11-76	Trial cont'd.				
24-12-76	Identification hearing begun & concluded - Motion to suppress identification... Denied.. Trial cont'd.				
25-1-76	Trial cont'd.				
26-2-76	Trial cont'd. (24)				
27-3-76	Trial cont'd.				
28-4-76	Trial cont'd.				
29-5-76	Trial cont'd.				
30-6-76	Trial cont'd.				
31-7-76	Trial cont'd.				
1-8-76	Trial cont'd.				
2-9-76	Trial cont'd.				
3-10-76	Trial cont'd.				
4-11-76	Trial cont'd. Deft E. Barber not present B.W. ordered.				
5-12-76	Trial cont'd. (29) E. Barber voluntarily appears in Court B.W. vacated...				
6-1-76	Trial cont'd. Govt. Rests				
7-2-76	Trial cont'd.				
8-3-76	Trial cont'd.				
9-4-76	Trial cont'd.				
10-5-76	Trial cont'd. (34)				

(a) Interval (per Section II) (b) Start Date (c) End Date (d) Ltr. Text (e) Code Date

DATE	PROCEEDINGS
Mar. 22, 1976	- Trial Continued
Mar. 23, 1976	- No Trial Date
Mar. 24, 1976	- Trial Continued. Govt. Summations WALTER J. SMITH - Bail Revoked (status prior R.O.R.) Deft. REMANDED
Mar. 25, 1976	- Trial Continued - Defense Summations.
Mar. 26, 1976	- Trial Continued - Defense Summations cont'd.
Mar. 29, 1976	- Trial Continued - Defense Summations cont'd. RUFUS WESLEY - Bail revoked (status R.O.R.) BENCH WARRANT ORDERED. Deft. REMANDED
-6-76	Filed Govt's trial memorandum.
-6-76	Filed defts request to charge.
3-30-76	Trial cont'd.
-31-76	Trial cont'd.
-1-76	Trial cont'd.
-2-76	Trial cont'd. Ct. adj. to date of sentence 4-30-76. Ct. 10 NOT GUILTY. P.S.I. ordered.
-13-76	Filed bench warrant of record of proceedings dated 11-31-75
30-76	Sent. adj. to May 21, 1976....Duffy, J.
5-23-76	Filed defts supplemental memorandum in support of motion for judgment of acquittal.
-21-76	Filed Judgment (no atty. present) Deft acts on own counsel. The defendant is committed for imprisonment for a period of FIFTEEN (15) YEARS on Count 1. This sentence is to run concurrently with sentence the defendant is presently serving in District of Maryland at Baltimore imposed on August 15, 1973. Pursuant to the provisions of Section 841 of Title 21, U.S. Code, defendant is placed on special parole for a term of Six (6) Years, to commence upon expiration of confinement. DUFFY, J. Entered on: 5-24-76.
-21-76	Defts' Motion for Judgment of Acquittal & or New Trial "DENIED" in open Court prior to sentencing.
5-21-76	Filed Notice of appeal from the judgment of conviction entered on the 21st day of May 1976 Mailed notice to William Turner 639134 P.O. Box 1000 Lewisburg, Pa. 17037 And U.S. Atty.
5-26-76	Filed notice of appeal from the judgment of conviction entered on the 21st day of May 1976. Mailed notice to Deft. (William Turner MCC 150 Park Row, NYC, 10007 and U.S. Atty.
6-2-76	Filed Govts supplemental requests to charge.
6-6-76	Filed affidavit of Tom Engel.
6-7-76	Filed Govts bill of particulars
6-7-76	Filed supplemental bill of particulars. by Govts.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

- v -

INDICTMENT

S 75 Cr.

WARREN ROBINSON, a/k/a "Alan",
AL TAYLOR,
WILLIAM TURNER, a/k/a "Dog",
BRYANT FERGUSON,
JAMES MARCH, a/k/a "Bubbles",
CHARLES RAMSEY,
RUFUS WESLEY, a/k/a "Folks",
DORETNEA ANN ELLIS, a/k/a
"Dorethea Lane",
WALTER JOHN SMITH,
a/k/a "Doc", a/k/a "Roger",
CECIL TATE, a/k/a "Little Pete",
HENRY SALLEY,
JOSEPH LA SALATA, a/k/a
"Joe Sharp",
ERNESTINE BARBER,
BASIL HANSEN,
AL GREEN,
ARHELIA MILLER, a/k/a "Pinky",
RONALD SWEENEY, a/k/a
"Garbage Man",

Defendants.

75 CRIM 1112

COUNT ONE

The Grand Jury charges:

1. From on or about the 1st day of January, 1969 and continuously thereafter up to and including December 6, 1973, in the Southern District of New York and elsewhere, AL TAYLOR, WILLIAM TURNER, a/k/a "Dog", BRYANT FERGUSON, JAMES MARCH, a/k/a "Bubbles", CHARLES RAMSEY, RUFUS WESLEY, a/k/a "Folks", DORETNEA ANN ELLIS, a/k/a "Dorethea Lane", WALTER JOHN SMITH, a/k/a "Doc", a/k/a "Roger", CECIL TATE, a/k/a "Little Pete", HENRY SALLEY, JOSEPH LA SALATA, a/k/a "Joe Sharp", ERNESTINE BARBER, BASIL HANSEN, AL GREEN, ARHELIA MILLER, a/k/a "Pinky", and RONALD SWEENEY, a/k/a "Garbage Man", the defendants, and Warren Robinson and

A4

Frank Pugliese, a/k/a "Georgie", a/k/a "Bitch", named in Count One as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173, 174, 812, 841(a)(1) and (b)(1)(A) of Title 21, United States Code.

2. It was a part of said conspiracy that, prior to May 1, 1971, the said defendants and co-conspirators unlawfully, wilfully and knowingly would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, the exact amount thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code.

3. It was further a part of said conspiracy that the said defendants and co-conspirators unlawfully, intentionally and knowingly would distribute and possess with intent to distribute Schedules I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about March, 1971, the defendant AL TAYLOR received approximately one ounce of heroin from co-conspirator Warren Robinson, a/k/a "Alan."

and co-conspirator Warren Robinson, a/k/a "Alan" met in the vicinity of 12th and U Streets, N.W., Washington, D.C.

3. On or about June 13, 1971, defendant DORETHEA ANN ELLIS, a/k/a "Dorethea Lane", transported a quarter kilogram of cocaine from New York, New York to the vicinity of Jefferson and 9th Streets, N.W., Washington, D.C.

4. In or about June, 1971, the defendant RONALD SWEENEY, a/k/a "Garbage Man", received approximately one ounce of heroin in an apartment in the vicinity of 11th and N Streets, N.W., Washington, D.C.

5. In or about July, 1971, the defendant DORETHEA ANN ELLIS, a/k/a "Dorethea Lane", received some money from co-conspirator Frank Pugliese, a/k/a "Georgie", a/k/a "Butch."

6. In or about August, 1971, the defendant WALTER JOHN SMITH, a/k/a "Doc", a/k/a "Roger" delivered a case of lactose at 1516 9th Street, N.W., Washington, D.C.

7. In or about August 1971, defendant RUFUS WESLEY, a/k/a "Folks," and co-conspirator Warren Robinson, a/k/a "Alan," cut and packaged approximately one-half of a kilogram of heroin in Washington, D.C.

8. In or about August 1971, defendant RUFUS WESLEY, a/k/a "Folks," and co-conspirator Warren Robinson, a/k/a "Alan," received approximately one-half of a kilogram of heroin in the vicinity of Co-op City, Bronx, New York.

9. On or about September 1, 1971, defendant RUFUS WESLEY, a/k/a "Folks," transported approximately one-half of a kilogram of heroin from Bronx, New York to Washington, D.C.

10. In or about September, 1971, the defendant WALTER JOHN SMITH, a/k/a "Doc," a/k/a "Roger" delivered a case of lactose in the vicinity of Florida Avenue and P Streets, N.W., Washington, D.C.

September, 1971, the defendant JOSEPH LA SALATA, a/k/a "Joe Sharp," met with co-conspirator Frank Pugliese, a/k/a "Georgie," a/k/a "Butch" in Izzy's Luncheonette, Westchester Avenue, Bronx, New York.

12. In or about September, 1971, the defendant ARHELIA MILLER, a/k/a "Pinky" received approximately one kilogram of heroin in the McAlpin Hotel, Broadway and 34th Street, New York, New York.

13. In or about September, 1971, defendant BRYANT FERGUSON traveled from Washington, D.C. to New York, New York.

14. In or about October, 1971, defendant RUFUS WESLEY a/k/a "Folks" transported approximately one kilogram of heroin from Ridgely Park, New Jersey to Washington, D.C.

15. In or about October, 1971, the defendant CHARLES RAMSEY received approximately one kilogram of heroin from co-conspirator Warren Robinson in Silver Spring, Maryland.

16. In or about November, 1971, the defendant JOSEPH LA SALATA, a/k/a "Joe Sharp", delivered, on four occasions, one-eighth kilogram packages of heroin in the vicinity of Eulette Avenue, Bronx, New York.

17. In or about November, 1971, the defendant ARHELIA MILLER, a/k/a "Pinky" delivered quantities of money in brown paper bags to co-conspirator Warren Robinson, a/k/a "Alan", in Silver Spring, Maryland.

18. In or about January, 1972, the defendant AL GREEN received a quantity of heroin at 1380 University Avenue, Bronx, New York.

19. In or about January, 1972, defendant BRYANT FERGUSON and co-conspirator Warren Robinson, a/k/a "Alan" boarded an Eastern Airlines "shuttle" airplane with a kilogram of heroin in Queens, New York.

21. In or about February, 1972, the defendant CHARLES RAMSEY delivered approximately one and a half ounces of heroin to the defendant JAMES MARCH, a/k/a "Bubbles" at the Slack Bar, Georgia Avenue, N.W., Washington, D.C.

22. In or about March, 1972, the defendants ERNESTINE BARBER, JAMES MARCH a/k/a "Bubbles" and co-conspirator Warren Robinson a/k/a "Alan" met in the vicinity of 1733 Jesup Avenue, Bronx, New York.

23. In or about March, 1972, in New York, New York the defendant WILLIAM TURNER, a/k/a "Dog", received approximately one kilogram of heroin and paid co-conspirator Warren Robinson a/k/a "Alan" approximately \$19,000.

24. In or about March, 1972 the defendant ERNESTINE BARBER received a white Corvair from co-conspirator Warren Robinson in New York, New York.

25. In or about March, 1972, the defendant HENRY SALLEY and co-conspirator Warren Robinson, a/k/a "Alan," transported approximately one-half of a kilogram of heroin from 1733 Jesup Avenue, Bronx, New York to the vicinity of Maryland Avenue and 12th Street, N.E., Washington, D.C.

26. In or about April, 1972, the defendant CECIL TATE, a/k/a "Little Pete", and co-conspirator Warren Robinson, a/k/a "Alan," transported a quantity of heroin from 1733 Jesup Avenue, Bronx, New York to Silver Spring, Maryland.

27. In or about April, 1972, the defendant BRYANT FERGUSON transported a quantity of heroin from New York, New York to Washington, D.C.

28. In or about May, 1972 the defendant BASIL HANSEN received approximately one-quarter of a kilogram of heroin in the vicinity of Rosedale Avenue, Bronx, New York.

29. In or about May, 1972, the defendant WALTER JOHN SMITH, a/k/a "Doc," a/k/a "Roger" delivered one case of lactose at 1516 9th Street, N.W., Washington, D.C.

lactose at 1516 9th Street, N.W., Washington, D.C.

31. On or about June 30, 1972, the defendant WALTER JOHN SMITH, a/k/a "Doc," a/k/a "Roger" distributed approximately 48.5 grams of cocaine and approximately 61.3 grams of heroin in the vicinity of Georgia Avenue, N.W., Washington, D.C.

32. In or about July, 1972, in the vicinity of 18th Street and Florida Avenue, N.W., Washington, D.C., the defendant HENRY SALLEY delivered a quantity of heroin to another person and picked up approximately \$1,000.

33. In or about July, 1972, the defendant AL TAYLOR received approximately one ounce of heroin from co-conspirator Warren Robinson a/k/a "Alan," in an alley in the vicinity of 12th Street and Maryland Avenue, N.W., Washington, D.C.

34. In or about September, 1972, the defendant AL TAYLOR received approximately one ounce of heroin from co-conspirator Warren Robinson, a/k/a "Alan" in the vicinity of Mt. Pleasant Street and Park Road, N.W., Washington, D.C.

35. In or about October, 1972, the defendant HENRY SALLEY and co-conspirator Warren C. Robinson a/k/a "Alan" traveled from Washington, D.C. to Ridgefield Park, New Jersey.

36. In or about June, 1973, the defendant RONALD SWEENEY a/k/a "Garbage Man" sold approximately one ounce of heroin in an apartment located at 16th and W Streets, N.W., Washington, D. C.

37. On or about October 4, 1973, defendant EARTH HANSEN possessed approximately three-quarters of a kilogram of heroin in Apartment 2-H, 150 West 225th Street, New York, New York.

(Title 21, United States Code, Section 846).

The Grand Jury further charges:

From on or about the 1st day of May, 1971, and continuously thereafter up to and including December 6, 1973, in the Southern District of New York and elsewhere, WARREN ROBINSON, a/k/a "Alan," the defendant, unlawfully, wilfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, wilfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) as alleged in Counts Four, six, Nine, Ten, and Eleven of this indictment which are incorporated by reference herein, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant occupied a position of organizer, supervisor and manager and from which continuing series of violations the defendant obtained substantial income and resources.

(Title 21, United States Code, Section 848.)

COUNT THREE

The Grand Jury further charges:

On or about the 13th day of June, 1971 in the Southern District of New York, DORETHEA ANN ELLIS, a/k/a "Dorthea Lane," the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately one-quarter kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT FOUR

The Grand Jury further charges:

In or about August, 1971, in the Southern District of New York, WARREN ROBINSON, a/k/a "Alan" and RUFUS WESLEY, a/k/a "Folks," the defendants, unlawfully, intentionally and

a Schedule I narcotic drug controlled substance, to wit,
approximately one-half kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A); Title 18, United
States Code, Section 2.)

COUNT FIVE

The Grand Jury further charges:

On or about the 1st day of September, 1971 in the
Southern District of New York, RUFUS WESLEY, a/k/a "Folks",
the defendant, unlawfully, intentionally and knowingly did
distribute and possess with intent to distribute a Schedule
I narcotic drug controlled substance, to wit, approximately
one-half kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT SIX

The Grand Jury further charges:

In or about September, 1971 in the Southern District
of New York, WARREN ROBINSON, e/k/a "Alan", BRYANT FERGUSON,
and ARNELIA MILLER, a/k/a "Pinky", the defendants, unlawfully,
intentionally and knowingly did distribute and possess with
intent to distribute a Schedule I narcotic drug controlled
substance, to wit, approximately one kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A); Title 18, United
States Code, Section 2.)

COUNT SEVEN

The Grand Jury further charges:

In or about November, 1971 in the Southern District
of New York, JOSEPH LA SALATA, a/k/a "Joe Sharp", the
defendant, unlawfully, intentionally and knowingly did
distribute and possess with intent to distribute a Schedule
I narcotic drug controlled substance, to wit, approximately
one-half kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

The Grand Jury further charges:

In or about January, 1972 in the Southern District of New York, AL GREEN, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug, controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT NINE

The Grand Jury further charges:

In or about January, 1972 in the Southern District of New York, WARREN ROBINSON, a/k/a "Alan", and BRYANT FERGUSON, the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug, controlled substance, to wit, approximately one kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 1.)

COUNT TEN

The Grand Jury further charges:

In or about March, 1972 in the Southern District of New York, WARREN ROBINSON, a/k/a "Alan", and WILLIAM TURNER, a/k/a "Dog", the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug, controlled substance, to wit, approximately one kilogram of heroin.

(Title 12, United States Code, Sections 312, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT ELEVEN

The Grand Jury further charges:

In or about March, 1972 in the Southern District of New York, WARREN ROBINSON, a/k/a "Alan", and HENRY SALLEY, the defendants, unlawfully, intentionally and knowingly did

distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-half kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT TWELVE

The Grand Jury further charges:

In or about April, 1972 in the Southern District of New York, BRYANT FERGUSON, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-eighth kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT THIRTEEN

The Grand Jury further charges:

In or about May, 1972 in the Southern District of New York, BASIL HANSEN, the defendant, unlawfully, intentionally and knowingly did possess with intent to distribute, a Schedule I narcotic drug controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT FOURTEEN

The Grand Jury further charges:

On or about the 4th day of October, 1973
in the Southern District of New York, BASIL HANSEN,
the defendant, unlawfully, intentionally and knowingly
did possess with intent to distribute, a Schedule I
narcotic drug controlled substance, to wit, approximately
767 grams of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

Vera Hansen
Forelady

Thomas J. Cahill
THOMAS J. CAHILL
United States Attorney

I think Lamont, something like that; one or two.

Q Were there other people who you used to see at the haberdashery?

A Yes.

Q On a frequent basis, that is.

A Yes.

Q Who were they, among others?

A It would have been Taylor, Pete, Ferguson, Turner.

Q Did Mr. Robinson have a brother?

A Yes, Allie.

Q Did you see him there?

A Yes.

Q How about a person --

MR. SIEGAL: Object to any suggestion of leading. The witness was giving out names of people he saw at the store.

THE COURT: Is there anybody else you saw there on a regular basis?

7 THE WITNESS: I could never think of all the names. There were so many.

A (Continuing) Bebe, he worked at the store. Another Pete that worked at the store. Folks had been there on occasion.

1

2

Q Do you know his first name?

3

A No, sir. Al Taylor and Dog Turner.

4

Q Anybody else?

5

A There were others. I can't think of now.

6

Q Directing your attention to the late summer, early fall of 1971, Mr. Dawson, did you have occasion to drive to Silver Spring, Maryland?

8

9

A Yes, I did.

10

Q Who would you have occasion to drive with?

11

A Warren carried me out there.

12

Q Who were you looking for, if anyone?

13

A Dog Turner.

14

Q Where did you go, do you recall?

15

A We went to his home in Silver Spring. Warren said that it was his home.

17

Q Where was it in Silver Spring, do you know the name of the road?

18

19

A No, I don't know.

20

Q Can you describe the location?

21

A The only thing that I really remember about the road is that it was a dead-end.

22

23

Q Mr. Dawson, showing you Government Exhibit 4A

24

for identification, can you identify that, what is pictured in that?

25

P!!

A Yes, this appears to be Dog's home here.

THE COURT: Read it back.

(Record read.)

Q I show you the remaining pictures, 4B.

Do you recognize that?

A Yes, sir.

Q What is that?

THE COURT: Keep your voice up.

A It is the front of Dog's home.

Q Showing you Government Exhibit 4D for identification. Do you recognize that?

A Yes, sir.

Q What is that?

A This is somewhat of a side view of the home showing the wall that go around it.

Q 4E for identification.

A Yes, sir. This is a side view, more of the other house --

Q Keep your voice up.

A This is a side view of it, showing more of the house that is next door to Dog's.

Q Finally 4C for identification.

Do you recognize that?

A Yes. This is a picture taken from the rear of

A17

1 the home.

2 THE COURT: Rear of whose home?

3 THE WITNESS: Dog Turner's.

4 THE COURT: Okay.

5 Q Do you see anything else in that exhibit which
6 you recognize?

7 A The thing that fascinated me about the house
8 was the wall, the big wall that go around.

9 Q In addition to that, Mr. Dawson, do you see
10 anything else in Government Exhibit 4C aside from the Turner
11 residence and property which you recognize?

12 A Yes, I recognize the house that -- across the
13 street from his house. Warren and I went in that house.
14 It was open for inspection.

15 MR. WEISSFELD: Your Honor, I am going to object.
16 All of this material is not in evidence.

17 THE COURT: No, he has got to identify it in
18 some way. When you say the house was opened for inspection,
19 do you mean someone was trying to sell it?

20 THE WITNESS: Yes, sir.

21 THE COURT: And it was vacant, nobody was
22 living there?

23 THE WITNESS: No, sir, no one was living there.

24 THE COURT: Okay.

1
2 Q At the time you went out to Silver Spring,
3 Mr. Dawson, did you have a conversation with Warren?

4 A Yes, I had a conversation with Warren.

5 Q What did he say, do you recall?

6 A We were looking for Dog because he was supposed
7 to have had five kilos of narcotics.

8 Q Is that what Warren said to you?

9 A Yes, he did.

10 THE COURT: Who said it?

11 THE WITNESS: Warren said it.

12 THE COURT: Where did the conversation occur?

13 THE WITNESS: In his car driving out there.

14 MR. WEISSFELD: What date, your Honor?

15 THE COURT: I don't know. We are going to
16 get to it next.

17 When did it occur, the best you can remember?

18 THE WITNESS: Some time during the summer of
19 1971.

20 THE COURT: Okay.

21 MR. WEISSFELD: What time of day, your Honor?

22 THE WITNESS: Early.

23 THE COURT: Early in the day, is that correct?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay.

A19

Q Where were the narcotics at the time that Mr. Ferguson was being searched?

A Warren had the narcotics on him.

Q How had he gotten them?

A He had gotten them at Ernestine's house.

Q From whom?

A That would have been a hard question. I guess from me, probably; I gave it to him.

Q What happened after the plane trip, Mr. Dawson?

A Well, we came back to Washington and I got my car at the haberdashery and we went to Warren's apartment.

Q Which apartment was this?

A In Silver Spring.

Q Who went to the apartment?

A Warren and myself.

Q What, if anything, happened there?

A Later on Warren said that Dog was coming by for a sample and we were cutting up the narcotics on the table, and a knock came on the door and Dog came in and we have three piles of narcotics on the table of different strengths, and Warren gave him a spoon of each one, and he said if the narcotics was good, that they would buy all that we could supply.

Q Who said that?

1 5 rkmch Dawson-direct 275

2 A Dog.

3 MR. SIEGAL: Can we have that name, sir?

4 THE COURT: Dog.

5 MR. SIEGAL: D-o-g?

6 THE COURT: Yes, like in "bow-wow."

7 Q Is this the same "Dog" you referred to earlier
8 in your testimony?

9 A Yes.

10 Q What happened after this incident?

11 A I saw Warren a few days later and he said that
12 Dog didn't like the sample.

13 Q Did Warren say anything?

14 A Not that I can remember.

15 Q Directing your attention to February 13, 1972,
16 Mr. Dawson, did you have occasion to hear from Harry on
17 or about that day?

18 A Yes, I did.

19 Q How did you hear from him?

20 A He called me.

21 Q What happened, if anything, as a result of the
22 phone call?

23 A Warren, a friend of mine, Manoda, and myself,
24 Pinky -- I am not sure whether she was in the car going
25 up with us or we met her there, but we went to Co-op City,

BEST COPY AVAILABLE

A21

rkb-4

Dawson-direct

THE WITNESS: Yes.

Q After you finished this process in the oven, did anything else happen after that?

A We made up a kilo of narcotics and Warren said that Dog was waiting down in the hotel downtown for us to bring the narcotics to him.

They wanted a kilo. They wanted more than that but we didn't have enough cutting material to cut it, so we got in his car --

Q Whose car?

A Warren's car.

Q What kind of a car was it?

A A Corvair. That little thing that the Chevrolet people make. Not the sports car.

Q Do you recall the color it was?

A It was white.

Q Go ahead.

A We drove downtown to this hotel. I can't remember where I was, but we parked on the left-hand side of the street and Warren got out the kilo of narcotics, went across the street to the motel -- the hotel, and I guess about 15 minutes he came back with this big bag of money.

Q Do you know how much money was in there, or did

A22

rkb-5

Dawson-direct

he say?

A It was approximately \$19,000.

Q Where was this hotel, generally speaking, Mr. Dawson?

A It was in the downtown part of New York. It seemed like in the Manhattan area.

Q Did Warren say anything at all when he came back to the car?

A Yes. He told me that they wanted more narcotics.

Q Who wanted more narcotics?

A That Dog wanted more.

Q What if anything happened after that?

A Went back to Ernestine's apartment and the bundles of money was supposed to be in thousand dollar bundles. I took out some of the money to count it to see if it was anywhere close to the right amount of money. Some of them took out right and some of them didn't, so I took the money and left some of the narcotics that we had there that we didn't eat, I left a quarter of that with Warren and I tried to find something to put the narcotics in.

Q How much narcotics was that?

A It was about, I guess, a half kilo, or close to it, and we were looking around the apartment for something

A23

Q More than 50,000?

A No, sir.

Q You recently purchased a new house?

A Did I recently purchase a new house?

Q Yes.

A No, sir.

Q Is there a new house in Tennessee under construction on your order?

A No, sir.

Q Have you moved recently?

A No, sir.

Q By "recently," I mean within the last year or two.

A No, sir.

MR. CIAMPA: I have nothing further of this witness.

THE COURT: Mr. Weissfeld.

CROSS-EXAMINATION

MR. WEISSFELD:

Q Mr. Dawson, I understand that you spoke about a collection of money, a balance of \$800 that was due from one Folks, I think.

A Yes, sir.

Q And you saw that it was collected at that

A24

particular point, did you not?

In other words, you testified that you had collected that \$800?

A Yes.

Q You also indicated that you were present when Mr. Robinson conducted a special assignment to have the samples of drugs tested by one Turner?

A You asked me did I say I was present at that time?

Q Yes.

A Yes, sir.

Q You indicated that the examination took place in Mr. Robinson's home in Silver Spring?

A Not the testing, no, sir.

Q Where did that take place?

A I didn't witness the testing. I witnessed him getting the narcotics for test, or whatever he was going to do with it.

Q Let me understand this.

Were you in Silver Spring in the apartment of Warren Robinson at any point in 1971?

A Yes, sir.

Q How many times were you there, sir?

A I couldn't say. I had been there quite a few

A25

times, ten or fifteen times; maybe more.

Q Then you would have a good idea of the layout of this apartment?

A Yes.

Q Could you sketch for me a layout of that apartment on the blackboard, sir, giving me the different rooms and the entrance and so on?

A I am very bad at drawing.

Q We will forgive you, sir, with respect to the type of drawing.

Just indicate the way the rooms are laid out on the premises, and so on.

A As I put this down, I am going to have to tell you because it will not make sense to me. I don't know that it might make sense to you --

MR. LEVNER: I object to any gratuitous statements on the part of the witness.

THE COURT: He said he was a poor drawer and was trying to explain.

Go ahead and do your drawing.

(Witness complies)

A This would be the bedroom. This would be the bathroom. This room here would be the living room.

THE COURT: The thing marked "LK" is the living

A26

room?

THE WITNESS: Yes.

A This is the kitchen. That would be the dining room with windows across here.

This is the main entrance here, and there was also an entrance here at the kitchen door.

This would be that big table that sits in the dining room.

Q Would you stand there, please, for a moment, Mr. Dawson, and tell me exactly where this alleged deal took place, where you were and where the respective other persons were in that room?

A I was here, Warren was here, Dog was here, and the narcotics was right here in three piles.

Q How big a room would that be, sir?

A It's a very big room.

You mean all this area here? It's open and you have that big dining room table sitting there.

Q Can you speculate about what the dimensions would be?

THE COURT: Sustained.

Can you tell us to the best of your knowledge what the dimensions would be?

THE WITNESS: The dimensions of that whole room,

A27

the whole area here or just the dining room?

THE COURT: The whole area; let's try that.

THE WITNESS: I would think from this front wall to the window here would be 30, 35 feet, and across this wall back here would probably be 20.

Q Were there any other persons in the room at the time that the alleged meeting took place?

No, there was not.

Q All right, sir --

THE COURT: Do you want that blackboard any more?

MR. WEISSFELD: The blackboard can go back as it was for the time being.

MR. ENGEL: Can we reduce that drawing to a picture and mark it as an exhibit?

THE COURT: Sure.

Q Mr. Dawson, did there come a time in this particular case where you saw what appeared to be a photograph of the defendant Turner?

A Yes, sir.

Q When was this?

A I have seen his photograph in 1971.

Q Did there come a time when you saw this photograph in connection with this matter?

A28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

10 rkmch

Dawson-cross

373

A Yes, sir.

Q When?

A I would think sometime this last month, month
and a half, I have seen it.

Q In other words, you have seen the photograph
before you came into court for the first time?

A Some time ago, yes.

Q Did you see that photograph alone or did you
see it in connection with other photographs?

A With other photographs.

(Continued on next page)

A29

2 Q How many photographs at the time were there that
3 you noticed?

4 A I imagine there would always be between five,
5 eight and ten pictures.

6 Q Were these other five or ten pictures also
7 defendants in this matter?

8 A Sometimes it would be pictures in this case.

9 Q Who showed you these pictures about a month,
10 month and a half ago?

11 A Mr. Engel.

12 Q When he showed you these pictures, was there
13 anything on the reverse side of the picture?

14 A I don't know. I didn't look on the reverse
15 side.

16 Q At no point did you turn the picture over to
17 see if there was a name on it?

18 A I wouldn't have any reason. They stood it out
19 in front of me and I looked at them.

20 Q Did Mr. Engel say "This is Turner" to you?

21 A No, he did not.

22 Q He didn't point to the picture and say "This is
23 Turner"?

24 A No, sir.

25 Q You indicated further that there was a matter

A30

rkb-2

Dawson-cross

here of \$1900 which you said was actually collected in exchange for an alleged heroin purchase, is that it?

A I didn't say \$1900, no.

Q What did you say?

A I said approximately \$19,000.

Q You indicated that you counted that money?

A I counted some of it.

Q How do you know there was 19,000?

A I didn't say it was 19,000. It was supposed to be 19 or 20,000.

Q Then you don't know for sure how much it was?

A I counted the money at some time. I would count the packages, just a few packages before I left New York to see whether the thousand dollars was in the package. That is the way it was supposed to have been, a thousand dollars in each package. At some time I counted all of the packages.

Q You counted all of that money?

A Yes.

Q So there was 19,000 in there?

A I can't remember the total amount.

Q Could it have been 10,000?

A No.

Q Could it have been 15,000?

A31

rkb-3

Dawson-cross

376

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A No, it wasn't.

Q Are you sure?

A Yes, I am sure.

Q At no point could it have been 15,000?

A No.

Q It had to be 19,000 or more?

A It was less than the 20,000, but very little.
It wasn't enough that I would argue about. I told Warren
that it was there.

Q When first did you indicate that there was
\$19,000 in that alleged purchase?

A I never indicated it was there. I said it was
approximately 19,000.

Q I show you a statement you made before the grand
jury.

MR. ENGEL: Objection.

THE COURT: I don't know what the question is.

MR. SEFFERT: What exhibit number, please?

MR. WEISSFELD: 3518 -- 3522.

I ask your Honor's indulgence for a moment.

THE COURT: Yes.

(Pause.)

Q I show you this statement and ask you if it
refreshes your recollection.

A32

rkb-4

Dawson-cross

1 THE COURT: Wait a second, nobody in the
2 courtroom heard that at all.

3 Read that back.

4 MR. ENGEL: Your Honor, I don't think there is
5 any basis for the question that he needs his recollection
6 refreshed.

7 THE COURT: Let's find out.

8 By the way, give me the 3500 material too.
9 You don't have to do it right now. Lunch time is suf-
10 ficient.

11 Q I ask you now, Mr. Dawson, are you still of
12 the same opinion as you were before, that you never made
13 any statement as to the value of that alleged sale?

14 A In reading that, it says in excess of 15,000.

15 Q I ask you, are you willing to change your par-
16 ticular statement that you made just a moment ago and
17 indicate it was less than 19,000?

18 A That I received from him, from Warren?

19 Q Yes.

20 A No.

21 Q Was your memory fresher when you made that
22 statement the first time than it is now?

23 MR. ENGEL: Objection.

24 THE COURT: I will let it go.
25

A33

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A I would have to say that it was.

Q Did you at any time make a statement that it was 15,000 or in excess of 15,000?

A I might have.

Q Mr. Dawson, are you a wealthy man?

A Definitely not.

Q The sum of \$1000 is a large sum, is it not?

A It is.

Q The sum of \$800 having been collected by you from Folks was a large sum to collect too, wasn't it?

A It wasn't a large sum to collect at that time.

Q But it was a large sum to you?

A No, it wasn't a large sum to me.

Q Would two thousand be a large sum to you, sir?

A It would be now.

Q Would four thousand be a large sum to you?

A No, yes.

Q So the difference between 15,000 and 19,000 would be four thousand, which would be a fairly large sum, would it not?

A Yes.

Q Are you still saying that you never made this statement?

A No, I am not.

A34

rkb-6

Dawson-cross

1 rkb-6 Dawson-cross
2 Q And that your memory was better before than it
3 is now?

4 A I can't say why is that, but I know what the
5 figures are.

6 Q Your memory was better then than it is now, is
7 that right?

8 A It couldn't have been if I said 15 on that, no.
9 MR. WEISSFELD: If I may, your Honor.

10 Q For the moment, Mr. Dawson, you always paid
11 for your securing of narcotics in cash, did you not?

12 A Not at the time that we bought, no.

13 Q How did you get --

14 A We were always one pass behind.

15 Q Did you ever get credit?

16 A Yes.

17 Q You are telling this Court now that you bought
18 narcotics on credit?

19 A Yes.

20 Q How much credit did they extend you, sir?

21 A It started from half, then ended up as high as
22 three kilos.

23 Q Mr. Dawson, at the particular time, how long
24 were you actually in the narcotics business? I believe you
25 stated you were in there for a short period of time.

A35

rkb-7

Dawson-cross

1 THE COURT: At what particular time?

2 MR. WEISSFELD: In the selling of narcotics.

3 THE COURT: You started off "at the particular
4 time." What particular time?

5 When did you start?

6 THE COURT: He has already gone through that.

7 MR. WEISSFELD: I know, your Honor, I would
8 like to refresh my own recollection on that.

9 THE COURT: Go ahead.

10 A From February until March or April of '72.
11 February of '71 to March or April of '72.

12 Q At that time, you had never actually had any
13 prior narcotics dealings?

14 A That is right.

15 Q Do you have a daughter who was involved in
16 selling of narcotics?

17 A No, sir.

18 Q She never was involved in any sales?

19 A Not that I know of. I can't really speak for
20 my daughter.

21 Q Do you know of your own knowledge whether she
22 was ever picked up for a narcotics sale?

23 A For a sale?

24 Q Yes.

A36

rkb-8

Dawson-cross

1 A I imagine she has been picked up for quite
2 a few times for narcotics, but I don't think a sale.

3 Q Was your daughter a partner of yours?

4 A No, definitely not.

5 Q Mr.Dawson, you indicate you come from Memphis,
6 Tennessee, is that so?

7 A That is true.

8 Q Did you go to school in Memphis?

9 A Until I was in the fifth grade.

10 Q Then where did you go from there?

11 A To Washington, D.C.

12 Q Where you actually completed your education?

13 A Yes.

14 THE COURT: How far did you go?

15 THE WITNESS: The ninth grade.

16 Q What sort of work did you do before getting
17 into narcotics, Mr.Dawson?

18 A I worked for Heslap Contracting Company and
19 I also subcontracted for Security Operations here in New
20 York.

21 Q What type of work is that contracting work you
22 mentioned?

23 A Remodeling homes.

24 G Mr.Dawson, you always kept a bank account handy
25

A37

1 rkb-9

Dawson-cross

2 for yourself?

3 A Yes, sir. Not always. Whenever I had any
4 money, I guess.

5 Q When for the first time, do you recall, that
6 you ever had a bank account?

7 A I have had bank accounts back in the fifties.
8 I imagine the forties also.

9 Q In the fifties, how much money did you have
10 in that account?

11 A In the fifties?

12 THE COURT: Mr. Weissfeld, I don't know where
13 this thing is going.

14 MR. WEISSFELD: If your Honor please --

15 THE COURT: It seems it is pretty tenuous to
16 discuss the man's bank account in the fifties, when we are
17 interested in something that happened in the seventies.
18 If you want to ask it, I will let you, but it seems we
19 are extending things unnecessarily.

End 3B

20
21
22
23
24
25
A38

Tk 4A

1

gab-1

Dawson-cross

383

2

Q How much of an account, if you recall, did you have in the fifties?

3

4

A I don't know. My mother has always saved money for me. When I went to jail, she always kept money in the bank for me. I always had money in the bank.

5

6

7

Q You have no idea of the amount though. All right.

8

9

What did you have in the sixties?

10

A I guess I have had five, six thousand dollars all during that time.

11

12

Q If you were to go out and purchase a kilo of material, about what price would that be on the market?

13

14

MR. ENGEL: Objection.

15

THE COURT: Yes. First of all, I have no idea of a kilo of material, what it means.

16

17

MR. WEISSFELD: Kilo of heroin, your honor.

18

THE COURT: Secondly, I don't know the time you are directing yourself to.

19

20

MR. WEISSFELD: 1971, your Honor.

21

THE COURT: All right.

22

Thirdly, if you are talking about a kilo of narcotics, you have to discuss or you have to frame what kind of narcotics they are, how much can be delivered, etc., etc., etc.

23

24

25

A39

Q I am talking now about the type of heroin that you were actually dealing in at that particular time, 1971.

THE WITNESS: Can I answer, your Honor?

THE COURT: Yes, go ahead and answer.

A I think it was to cost about \$32,000 then, 30, 32,000.

Q YOU had six thousand in the bank, is that so, sir

A That's true.

THE COURT: Wait a second. You asked him what he had in the 1950's and 1960's.

All of a sudden you swing over to 1971.

MR. WEISSFELD: All right, your Honor, I will be fair.

THE COURT: That is kind of nice.

Q In 1970, sir, what did you have in the bank?

A I guess I had as high as about \$8000 in the bank in 1971.

Q Mr. Dawson, in an alleged sale of heroin some time around March of 1972, is it your contention that you sold the heroin to the alleged defendant Turner?

A No, it is not.

Q What is your contention, sir?

MR. ENGEL: Your Honor, he doesn't have

AYO

any contention. He is a witness.

Q What happened actually?

MR. SIEGEL: Objection, your Honor.

Q Did you handle the sale, sir, at that time?

THE COURT: Hold on. We have an outstanding objection.

Come up here.

(At the side bar.)

MR. WEISSFELD: This is March of '72.

MR. SIEGEL: If you are going to make any mention --

THE COURT: I can't hear it.

MR. SIEGEL: You know, my objection is that it is a wide open question. If you are going to ask a question about a particular transaction, please state specifically what defendant you are referring to.

MR. WEISSFELD: I did state Turner.

MR. SIEGEL: Well --

MR. WEISSFELD: I have been stating Turner on every occasion.

MRS. PIEL: You didn't. As to Folks, Mr. Weissfeld.

MR. WEISSFELD: I am sorry? You are saying --
I didn't hear.

gab-4

Dawson-cross

386

MRS. PIEL: I am through.

THE COURT: Okay.

MR. ENGEL: Just one thing, your Honor. His bank book as to 1971 is in evidence. If Mr. Weissfeld wants to refer to it, it is in the Government's cart over again the corner.

THE COURT: Okay. I remembered.

(In open court.)

THE COURT: All right. The objection is sustained.

Q Mr. Dawson, did there come a time when you indicated that you participated in an alleged sale?

A Yes, sir.

Q The alleged sale was made by yourself to Mr. Turner?

A No, sir.

THE COURT: Which time is this?

MR. WEISSFELD: In March of 1972, your Honor.

THE COURT: All right.

This line of questioning is March 1972. All right.

Do you understand that?

THE WITNESS: Yes.

THE COURT: Okay. When you asked was the

A42

gab-5

Dawson-cross

387

sale made to Turner, the answer was no, sir.

THE WITNESS: No, sir.

THE COURT: Okay.

Go ahead.

Q Who alleged made that sale, Mr.Dawson?

A Warren Robinson.

Q Where were you?

A In the car.

Q Where did the sale take place?

A Warren said it took place in a hotel.

Q What hotel?

A I don't know the name of the hotel.

Q What street?

A I don't know, sir.

Q What time?

A Some time in the evening, nine or ten o'clock in the evening.

Q What day of the week was it?

A I don't know, sir.

Q Did you ever make a statement to anyone in connection with this matter here that you yourself sold the alleged narcotics to Turner?

A No, sir, not that -- only in the sense that Warren and I was selling it and I thought that he would make

A43

me a part of it.

Q Did you ever deliver the materials to Mr. Turner?

A No, sir.

Q You never handled that at all?

A No, sir.

Q I show you this material here and ask if it refreshes your recollection in connection --

MR. ENGEL: There is no foundation for the question of whether it refreshes his recollection, your Honor.

THE COURT: I don't know. What is the exhibit number?

MR. WEISSFELD: 3522, your Honor.

THE COURT: What page?

MR. WEISSFELD: 6.

(Pause.)

Q Does that refresh your recollection, sir?

A Yes, sir.

Q Which is the correct story, what you are saying now or at the time you made this statement?

MR. ENGEL: Objection, your Honor.

THE COURT: Are you going to offer that in evidence?

MR. SIEGAL: I object to it.

AYU

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

gab-7

Dawson-cross

399

MR. POLAK: Objection.

MR. SCHWARTZ: Objection.

MR. MATEDERO: Objection.

THE COURT: You want --

Q You made a statement some time in May of 1973 in connection with the matter of this alleged sale in which you indicated that you delivered certain quantity of material to Mr. Turner.

Do I understand that the story is not that you delivered it at all?

MR. ENGEL: Your Honor, I am sorry. The date of the exhibit to which he refers to is May 1, 1975, I believe.

THE COURT: I am trying to find it myself. Page what?

MR. ENGEL: It is the same exhibit --

MR. WEISSFELD: It may very well be me, your Honor.

THE COURT: What page?

MR. SIFFERT: 6, your Honor.

End 4A

A45

2/10/76
AM 4b

1 gmch

Dawson-cross

390

2 Q Which is the correct statement, sir, the state-
3 ment you made now or the statement you made in May?

4 MR. ENGEL: Same objection, your Honor.

5 THE COURT: I will permit it.

6 Go ahead.

7 MR. SIEGAL: I didn't hear the ruling, Judge.

8 THE COURT: I said I'll permit it.

9 MR. SIEGAL: I object to the form of the
10 question. It's improper.

11 THE COURT: Yes, the form is terrible. I was
12 waiting for someone to object.

13 MR. SIEGAL: I'm getting old. It takes me time
14 to get up.

15 THE COURT: Okay.

16 MR. WEISSFELD: I am old. It has taken me
17 time to get up.

18 THE WITNESS: And the question, your Honor?

19 THE COURT: I'm waiting for Mr. Weissfeld to
20 rephrase the question.

21 Q Did you at any time make a statement prior to
22 the statement made in court today to the effect that you
23 delivered the alleged material to Mr. Turner in connection
24 with this alleged sale?

25 A Yes, sir.

A46

2 Q Is that statement that you made prior the
3 truth?

4 MR. SIEGAL: I don't know what the statement
5 is, and I object to it.

6 THE COURT: Yes.

7 On May 1, 1975, did you testify in the following
8 way:

9 "Q And did you then deliver a portion of the
10 heroin to a man in a midtown hotel in Manhattan, the man's
11 name being Dog Turner?

12 "A Yes."

13 THE WITNESS: Yes, sir.

14 THE COURT: Go ahead from there.

15 Q Do you want to change your testimony?

16 A No, sir.

17 Q Did you deliver personally or did you sit in
18 a car?

19 A Personally, no.

20 Q Where did this allegedly take place?

21 A What was that, sir?

22 Q Where did this allegedly take place?

23 A Where?

24 MR. ENGEL: Asked and answered.

25 THE COURT: Go ahead. Let him answer it.

A47

2 Go ahead.

3 A In a motel in downtown Manhattan.

4 Q You were in that motel?

5 A No, sir.

6 Q Where were you?

7 A Sitting in the car.

8 Q You were not part and parcel of this at all?

9 A As far as seeing Turner, no.

10 Q As far as seeing what happened is concerned?

11 A Yes, sir, that's true.

12 MR. WEISSFELD: No further questions.

13 THE COURT: Mr. Siegel, how long do you think
14 you will be?

15 MR. SIEGEL: I expect I'll be probably
16 25 minutes.

17 THE COURT: 25 minutes?

18 MR. SIEGEL: May I approach the bench, your
19 Honor?

20 THE COURT: Sure.

21 (At the side bar)

22 THE COURT: I don't want to break into your
23 cross ---

24 MR. SIEGEL: I was going to ask if I could
25 just start the whole shooting match at 2:00 o'clock.

A48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Where?

A At the store.

Q Did you have a conversation with him?

A Yes, I did.

Q What did he say, what did you say?

A He asked me how was the merchandise. I told him it was good.

Q What did he say, if anything?

A I told him I had put a five on the heroin and he said the dope was supposed to take more than a five.

Q When he said it was supposed to take more than a five, what did you understand him to mean?

A He meant that I was to put more than five cuts on the heroin.

Q Do you know what happened to the rest of the package that he had got from 12th Place?

A He sold it.

Q In on or about this time, the summer of 1970, did you have occasion to meet a man named Dog?

A Yes, I did.

Q Do you know his real name?

A Dog Turner.

Q Do you know his first name?

A No, I don't.

A41

rkb-7

March-direct

Q Could you stand up and look around the courtroom and see if you can identify him?

A Sitting on the end, blue coat, gray slacks.

MR. SIFFERT: May the record reflect the witness has identified Mr. Turner.

Q Directing your attention to the summer of 1970, where did you see Dog?

A In the streets and at the store a couple of times.

Q Did you ever see him at the shop?

A Yes, I did.

Q Did you see him have a conversation with anybody at the shop?

MR. WEISSFELD: Objection, your Honor.

THE COURT: He can answer that yes or no.

A Yes, I did.

Q With whom did he have a conversation in the shop?

A Warren Robinson.

Q Do you remember specifically when that conversation was?

A Spring of 1970.

MR. WEISSFELD: Objection.

THE COURT: I will permit it.

Q Did you hear the conversation?

A50

1
2 A No, I didn't.

3 Q Now soon after the 12th Place transaction
4 was this conversation?

5 A It was during this time, during the spring
6 months of 1970.

7 Q Thereafter, did Robinson have a conversation
8 with you?

9 A Yes, he did.

10 Q Was anybody else present?

11 A Not to hear the conversation.

12 Q Where was that conversation?

13 A In the shop.

14 Q What did he say, what did you say to the best of
15 your recollection?

16 A He told me that Dog had some narcotics and he
17 was going to get some from him and it was supposed to have
18 been good.

19 Q Thereafter, did you have a subsequent conversa-
20 tion with Robinson about Turner?

21 A Yes, I did.

22 Q When was that?

23 A Maybe a week, week and a half after the first
24 conversation.

25 Q Where was that second conversation?

A51

rkb-9

March-direct

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A In the hospital.

Q Was anybody else present at the conversation?

A No, there wasn't.

Q What did Robinson say, what did you say?

A He told me again that he was going to see
Turner and pick up another package.

Q During this period, where were you working?

A At Warren's Men's Shop.

Q What did you do at the men's shop?

A Salesman.

Q Did you do anything else?

A Yes, I did.

Q What was that?

A I drove for Warren and was a constant associate
of his.Q Did you have occasion to do anything else at
the shop in addition to being a salesman?

A Yes, I was a tailor.

Q When you say you drove with Robinson, what kind
of car did you drive with him?

A Thunderbird.

Q What did you do in the car?

A Picked up money and delivered heroin.

Q How often did you do that?

A52

Q After you cut heroin, how much did you sell a kilogram of heroin for in the spring of 1972?

A I don't know. It all depends on who we were selling it to.

Q What was the range of variation?

A I don't know.

Q How many packages did you make up?

A Made up four packages.

Q During the cutting process -- what did you cut the heroin with?

A We used sifters, spoons and cards.

Q Where did you get those?

A From behind the sofa.

Q What were they in?

A A paper bag.

Q Did you have a conversation at that time?

A Yes, we did.

Q Who said what to who?

A Warren said he was fixing up one package for Dog. Tennessee was going to take two. Warren would have one.

Q Then what happened?

A They cut the heroin up.

Q After you cut it up and bagged it, what happened?

A53

2 A Warren and Tennessee left.

3 Q Did you have a conversation before they left?

4 A Yes, we did.

5 Q Who said what to who?

6 A Warren told me they were going in town to
7 meet Dog. If he called, to tell Dog they were on their way.

8 Q After they left, what happened?

9 A Dog called.

10 Q Tell the ladies and gentlemen of the jury who
11 said what to who on that telephone conversation.

12 A Dog asked me --

13 MR. SIEGAL: Could we possibly get the names
14 of the persons so there would be no confusion?

15 THE COURT: Who is Dog?

16 THE WITNESS: Dog Turner.

17 THE COURT: Go ahead.

18 A He asked me was Warren Robinson there.

19 I told him Warren was on his way to meet him.

20 He said who was this.

21 I told him, Bus. I said, "Is this Dog?"

22 He said, "Yes." He said, "If Warren gets back,
23 tell him I will call him."

24 Q Did there come a time when Warren did return?

25 A Yes.

A54

Q Did you have a conversation?

A Yes.

Q Who said what to who?

A I said Doq had called.

They said they had met Doq.

Q Was anybody else in the apartment at that time when he returned?

A Tennessee, Twin and myself.

Q Was Ernestine there?

A Ernestine was there, too.

Q Then what happened?

MR. CIAMPA: I object to the leading. I ask it be stricken.

THE COURT: I will permit it.

A Tennessee and Twin took three kilos of the dope and put it into throw pillows.

THE COURT: What do you mean by that?

THE WITNESS: Pillows that you put on your sofa.

Q Is that p-i-l-l-o-w-s? Is that what you mean?

A Yes.

(Continued on next page)

A55

2 THE WITNESS: Yes, I would.

3 MR. SIFFERT: If they are assumptions, your
4 Honor, I would move to strike them.

5 THE COURT: I will let them stand.

6 But the heroin was cut with procaine?

7 THE WITNESS: That's correct, your Honor.

8 THE COURT: Okay.

9 That's all.

10 Does anybody else want to ask anything?

11 Step down.

12 (Witness excused)

13 THE COURT: Rather than start another witness
14 right now, ladies and gentlemen, I have an appointment in
15 just about two minutes. So we are going to take our morning
16 break now and let me take care of the other matter.

17 Mr. Clerk, would you escort the jury from the
18 room?

19 THE CLERK: Yes, your Honor.

20 (The jury leaves the courtroom.)

21 THE COURT: Take ten.

22 (Recess)

23 (In the robing room)

24 (Discussion off the record)

25 ✓ THE COURT: An off-the-record discussion was

A56

1 5 gwmch

2 had with Mrs. Nancy Rosner, representatives Mr. Engel and
3 Mr. Siffert being present, in which Mrs. Rosner suggested
4 the possibility of her being retained for the defendant
5 Turner and for moving a severance and a continuance.

6 I believe that we are now too far into the
7 trial for that to happen.

8 Under the circumstances, the motion for a
9 severance and continuance at least is denied. Should the
10 defendant decide to retain Mrs. Rosner, that's another
11 thing.

12 MRS. ROSNER: May I just indicate, Judge,
13 that I had discussed the possibility of asking your Honor
14 to permit me to substitute in the midst of trial, but
15 since the main ground of the defendant's complaint is his
16 unhappiness with counsel that he has, who has been assigned,
17 and since I read the record I felt that the main witness'
18 testimony having already been adduced, it really wouldn't
19 help him very much to have the retained counsel come in
20 at this point.

21 I would not be willing to represent him in the
22 midst of trial, but I would be more than happy to undertake
23 his representation if your Honor would sever him and permit
24 him to go to trial with his own counsel.

25 THE COURT: I understand that, Mrs. Rosner.

A57

No, I don't believe at this point we are going to have a severance.

Nice to see you.

MRS. ROSNER: Thank you for hearing us, Judge.

MR. ENGEL: Thank you.

(Recess)

(In open court; jury not present)

MR. SIFFERT: Your Honor, I would like to make an application.

THE COURT: Go ahead.

MR. SIFFERT: The application is that Mr. March, who is the next witness, was convicted in 1971 of possession of a dangerous weapon and the charges were lowered to \$150 fine. That being a misdemeanor, we would ask that on cross-examination defense not be permitted to go into that, and that, therefore, the Government need not elicit that on direct.

THE COURT: I assume you have a certified copy of the conviction?

MR. SIFFERT: No. If your Honor would not permit that question -- if your Honor would permit defense to inquire of him, then I would elicit it on direct.

Under Rule 809 of the Federal Rules of Evidence,

A58

1 9 gwmch

802

2 a question of weight.

3 Let the jury determine what weight they will
4 ascribe to the fact that the man has been convicted of
5 that offense in assessing what credibility to give to him.

6 THE COURT: No, Mr. Schmukler.

7 MR. WEISSFELD: If your Honor please, Mr.
8 Turner would like to make a statement to the Court at the
9 side bar, your Honor. I wonder if your Honor would accede
10 to that.

11 THE COURT: Mr. Turner wants to make a statement
12 at the side bar?

13 MR. WEISSFELD: Yes, sir, at the side bar to the
14 Court. It's a personal thing, your Honor.

15 THE COURT: Sure.

16 (Continued on next page)

17
18
19
20
21
22
23
24
25
A59

(At the side bar)

DEFENDANT TURNER: Your Honor, I feel I am not given correct counsel and I would like to defend myself. I am presently doing ten years and I don't feel at this time I am given all the due rights of this Court and counsel.

THE COURT: I will consider it.

(In open court)

THE COURT: Bring back the jury.

(Jury present)

MS. PIEL: May I have a side bar?

THE COURT: Yes.

(At the side bar)

MS. PIEL: This is in reference to the death of the defendant Rufus Wesley's mother. He had just come back, otherwise I would have mentioned it before.

He would like to be excused until Thursday.

THE COURT: That is going to be a voluntary absence, Ms. Piel?

MR. SIFFERT: Will you concede that March can identify him?

MS. PIEL: Yes, I will, but let me tell him that.

THE COURT: Bring him here.

MS. PIEL: Mr. Wesley, I have asked the Court

A60

MR. MATEDERO: I realize that. I have handled some appeals, and I have been in cases where the exact thing has happened. There were unfortunate consequences to the defendant and his co-defendant.

I feel constrained to take no official position on behalf of my client.

THE COURT: Mr. Turner, you have heard what counsel for the defense have said. Let me tell you one other thing. You know, there is a saying among lawyers that any man who represents himself has a fool for a client.

I can't stop you from going ahead and representing yourself. Mr. Weissfeld, however, is assigned; he is an experienced attorney and I know he has had a lot of experience, both in Bronx County and he did one major narcotics case before me, but if you persist and you want to represent yourself, you may.

DEFENDANT TURNER: I do, your Honor.

THE COURT: Mr. Weissfeld, you are directed to remain in court as counsel for defendant Turner for any questioning or anything else. It is most important while Mr. Turner may have indicated at the side bar he had been involved in other criminal cases, it is not the same thing.

You have been trained in the law and it is your duty to advise him as to the law.

AGI

Mr. Engel, do you want to take a position?

MR. ENGEL: Yes, your Honor. The Government would like to suggest this course of action, if I may: That for the balance of the afternoon that Mr. Weissfeld continue as counsel to Mr. Turner and that Mr. Turner, if he would, consent to the arrangement of Mr. Weissfeld continuing as counsel for the rest of the afternoon.

After that, the Government would like to suggest some questions of the defendant Turner and to explore with him through the Judge what his reasons are for requesting this arrangement, of his competency to waive his right to counsel, his reasons for doing this and of many other things.

I think it would be slightly premature --

THE COURT: I am not suggesting I am making any finding whatsoever.

Mr. Turner, the step you are about to take is one that would affect you directly in a very great way, and before you do it you ought to sleep on it overnight.

DEFENDANT TURNER: Judge Duffy, at this present time I don't feel I have been given proper counsel, and I feel if I don't speak up, I have nobody to speak up for me, and I don't feel I want to wait any longer, personally, until tomorrow.

A62

2 THE COURT: And you want to go right now?

3 DEFENDANT TURNER: Yes.

4 THE COURT: What do you know about the law?

5 DEFENDANT TURNER: I know there are certain
6 questions that haven't been asked in my defense which are
7 very pertinent, and I am doing ten years on some question
8 that hasn't been asked and hasn't been brought up before
9 the jury to prove my innocence. A lot of questions that
10 haven't been asked in my behalf to prove my innocence.

11 THE COURT: Did you discuss those things with
12 Mr. Weissfeld?

13 DEFENDANT TURNER: I have, and I feel the next
14 witness I can ask some of the questions and get these things
15 out of the dark.

16 THE COURT: This witness, Mr. March, will be
17 on direct for the rest of the afternoon. I think that
18 you could talk to Mr. Weissfeld if you have objection, and
19 he can make it at such time, so you have time to think
20 about it. It's a momentous step you are taking and one
21 which could cause you untold pain, one that I don't want
22 you to rush into, and I am sure if you ask Mr. Weissfeld
23 to object, he will.

24 Why don't we let it stay until you have time
25 to think about it overnight, and if you feel nothing else,

A63

2 you could be like Edgar Bergen, if you remember him.

3 DEFENDANT TURNER: I do.

4 THE COURT: Rest this afternoon. Mr. Weissfeld
5 will make the objections on your behalf.

6 Do you consent to that, sir? You can reach
7 over there and nudge him.

8 DEFENDANT TURNER: I am trying to be very
9 tactful. There haven't been any outbursts and I don't
10 plan on being disruptive.

11 THE COURT: I know you haven't and you won't.

12 DEFENDANT TURNER: It's just that when
13 allegations are made against you that are erroneous, what
14 can you do? I don't have any other defense.

15 (Continued on next page)

1 THE COURT: Let's see if we can't make the
2 objection through Mr. Weissfeld for the rest of the afternoon
3 and if there be a chance, we will take care of it from
4 there.
5

6 I want you and Mr. Weissfeld to show up 15 minutes
7 early tomorrow. You are in custody.

8 THE DEFENDANT: Yes.

9 THE COURT: Marshal, can we have him over here
10 say ten minutes earlier tomorrow?

11 THE MARSHAL: Yes.

12 THE COURT: During that period of time, we
13 can talk about it some more.

14 Mr. Weissfeld, you be here ten minutes early
15 tomorrow.

16 MR. WEISSFELD: Your Honor, at this particular
17 time, at the risk of disturbing the equilibrium of what
18 is going on, I would respectfully ask to withdraw not
19 having the confidence of the client and being at odd's
20 point with him. It would be difficult to advise him
21 under these conditions because there would be no warranty
22 he would stay within the purview or warranty of what I
23 said or instructed.

24 He could of course wander around and with all
25 the implications that that wandering would actually do to

A65

2 the case and the trial, I wouldn't want to accept respons-
3 ibility under those conditions.

4 THE COURT: You are just here as an advisor.
5 He will make the final decision. However, he is going to
6 make them according to my ground rules. Don't worry
7 about it.

8 Mr. Pollak has arrived.

9 Bring in the jury.

10 (Jury present.)

11 J A M E S H E N R Y M A R C H resumed.

12 THE COURT: You may proceed, Mr. Siffert.

13 DIRECT EXAMINATION (continued)

14 BY MR. SIFFERT:

15 Q Before the luncheon break, Mr. March, did you
16 testify concerning Little Pete and some money?

17 Where did that occur?

18 A In the shop.

19 MR. COHEN: I can't hear the witness.

20 THE COURT: Repeat it.

21 (Record read.)

22 Q To the best of your recollection, when did this
23 occur?

24 A '71.

25 Q Can you be more specific?

A66

10:00 a.m.

(Trial resumed)

(In open court; jury not present)

MR. ENGEL: Your honor, for the record, I would like to file the Government's questions with respect to this issue. I have served a copy on Mr. Turner. I just want to file it in open court now.

THE COURT: Mr. Turner, I still have to find out something about your background before I can let you represent yourself.

BY THE COURT:

Q How old are you?

A 42.

Q How far did you go in school?

A Two years in college.

Q Are you presently or have you been in the past addicted to narcotics?

A Never.

A67

Q Are you presently under the care of a physician or psychiatrist?

A No.

Q What is your health presently?

A Excellent.

Q You realize that an attorney has been appointed for you and you realize you have a choice between defense by yourself or by your lawyer?

A Yes.

Q You have had the time to consider the matter?

A Yes.

Q Not only over the last 20-some odd hours, but before that, haven't you?

A Right.

Q You realize that it is advisable to have a lawyer because lawyers are trained in legal matters which most laymen have not usually been exposed to?

A Yes.

Q I personally consider it is in your best interest to have a lawyer.

A I tried to acquire another one, but you wouldn't let that happen because I waited too late in the trial.

The reason I didn't come up with the lawyer in the beginning, because I have been in prison three years,

A68

2 as you know, and I didn't have the money at the particular
3 time, but some property has been put up for that, so I
4 could acquire a lawyer.

5 Q But that lawyer requested a continuance and
6 a severance and all the rest of this, a new trial, and
7 it is too late for that.

8 A I understand that, but I don't feel I am
9 getting a fair trial, so I have no recourse.

10 Q I am telling you you are getting as fair a trial
11 as I can make it.

12 The other lawyer refused to go ahead on the
13 record as it is now set forth.

14 We are talking about Mrs. Rosner, right?

15 A Right.

16 Q Just as a matter of judicial economy, I will
17 not try the case all over again as it stands now.

18 A I understand that.

19 Q In this connection, with your application to
20 represent yourself, do you realize that it is a most
21 difficult thing for you to do?

22 A The time would be a difficult problem, too.
23 I am sitting in a cell and I have no recourse there, either.
24 I feel I can justify myself. It's a serious matter.

25 Q It certainly is.

A69

2 Are you making this thing of your own free
3 will?

4 A I have no choice.

5 Q Have you thought about it and decided it on
6 your own?

7 A Yes.

8 Q Has anyone pressured you?

9 A No.

10 Q That is what I am talking about, by your own
11 free will.

12 A Okay.

13 Q Did anyone make any promises or representations
14 to you in connection with this?

15 A No.

16 Q Now look, if you are going to conduct your own
17 defense, you are going to be subject to the same ground
18 rules as every other person in this courtroom; do you
19 understand that?

20 A Yes.

21 Q You are going to have to abide by my instructions.
22 I will do my best from time to time to keep you on the
23 straight and narrow. I want you to stay there.

24 A I understand.

25 Q You understand that I am requiring Mr. Weissfeld

A70

to remain here as a legal advisor.

A I understand that also.

Q Look, I am going to do one thing. I am going to change the order of cross-examination so that those attorneys who are representing people will go before you. Recognize, if you will, that these men are skilled in the law -- excuse me, Ms. Piel -- they are skilled in the law and there is no necessity to rehash something they have already covered.

A Right.

Q Pay attention to what is going on. Lord knows, it is one of the most important things in your life.

A It sure is.

THE COURT: Mr. Weissfeld, I recognize that apparently there has been some kind of a breakdown in relationship between the two of you, but I know you are a big enough man to assist in every way you can defendant Turner to get as fair a trial as I can possibly make it, and, as an officer of the Court, you must do the same thing.

All right?

MR. WEISSFELD: Yes, your Honor.

Q Mr. Turner, you recognize you will go last on cross-examination?

A Right.

BEST COPY AVAILABLE

A71

Q I am telling you, for your own good, don't rehash something that somebody has already gone into.

A Yes.

Q Do you want to know why?

A You have made it pretty clear.

Q Do you want to know why as a practical matter?

A You can explain it to me.

Q If you go into something where somebody has made points on cross-examination and you go back into it, you might blow all the points they have made on cross-examination.

A All right.

Q It's a very practical approach to things.

A All right.

Q You will be able to represent yourself.

A Thank you.

MR. ENGEL: Your Honor, Mr. Siffert isn't here yet. He was waiting for the marshals and apparently there has been another problem in getting the witness in from wherever he is. I just want to alert the Court to that.

THE COURT: All right, fine.

Let me know when the witness and the jury has arrived. I only have a few other hundred cases to handle.

(Recess)

CRIMINAL CASE NO. 75-1112 (KTD)

20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532
 533
 534
 535
 536
 537
 538
 539
 540
 541

VS

DEFENDANT (S)

[illegible]

NEW YORK: 1957. 29 P. D. B. CRIM. PROC.

COMES NOW THE DEFENDANT WILLIAM FURBER, pro se, in the above styled manner respectfully moving this Honorable Court to enter an Order of Judgment of Acquittal with regard to the jury verdict of guilty returned against the said defendant as to Count No. one (1) of the herewithin indictment charging him with Conspiracy under Title 21 U.S.C.A. Section 841 (b) (1) (A). AND/OR Vacating the jury verdict of guilty as to the said Count No. 1 of the indictment and granting that a New Trial be had on the matter for all of the herewithin reasons and any and all other errors of record which the Court may take note of and deem sufficient and just cause.

I. Because there is not, and the government did not, present adequate Non-Hearsay Evidence against this defendant to prove his alleged participation in the conspiracy charged.

II. Because the evidence presented against this defendant was at variance with the charge of conspiracy as contained in the indictment and the erroneously prejudicial and perhaps purposeful misstatement of facts by the assistant U.S. attorney prosecuting the case to the trial jury as to the evidence which the government would present to them to support its case against this defendant, commands the granting of a New Trial at the very least.

III. Because defendant was improperly joined and tried on the instant indictment with numerous alleged co-defendant conspirators for which the government offered no proof to connect him, and was fatally prejudiced to a fair trial by an abundance of Over-Spill evidence introduced as to those other defendants unmistakable from the minds of the trial jurors.

IV. Because it was Plain Error for the Court to require defense counsel to make a decision in the presence of the trial jury whether or not to put 3500 material (Government witness Dawson's Signed Statements) in evidence, and not to permit defense counsel to cross-examine said witness from said statements.

V. Because evidence of this defendant's alleged guilt of the conspiracy charged presented by and through the government's principal witness upon whom its entire case against him was dependent, was not properly given for evaluation by the trial jury; And

VI. Because of the unreasonable delay by the government of bringing

this defendant to trial for the charges contained in the indictment and "Selective Prosecution".

ARGUMENT

1.) The indictment in the instant case contained twelve (12) Counts, two under which this defendant was named, i.e., Count No. 1 under which the conspiracy was charged and Count No. 10 charging him with the substantive offense of distributing and possessing with intent to distribute heroin. The same Overt Act, overt act No. 23 of the indictment forming the basis for the substantive offense charged was the sole basis for the Conspiracy charge. The trial jury convicted this defendant of the conspiracy charges, but acquitted him as to the substantive offense. While the defendant does not quarrel with the inconsistency of the jury's verdict as to the two counts although he feels that same is questionable, defendant does contend that he should be granted a judgment of acquittal as to the conspiracy charges for the reason that the government's entire case against him as to that count was without sufficient adequate non-hearsay evidence to support the jury's verdict of guilty. It is submitted that the government's entire case against this defendant was based upon the hearsay testimony of the two alleged co-conspirator witnesses, James March and Thomas Frank Dawson, with one narrow exception. March's entire testimony tying this defendant to the alleged conspiracy was pure hearsay and need not be commented on. And the narrow exception, the only non-hearsay evidence at all presented through the witness Dawson's testimony to support the conspiracy charges was Dawson's story that this defendant was allegedly given a sample of narcotics by him and the co-defendant Warren Robinson,

who had been severed from the trial, in Dawson's presence in February of 1972 at Werran's home located in Silver Springs, Maryland, and that he, Dawson, was told by Warren a few days later that the defendant did not like the sample. (N. T. 274). *

It is respectfully urged that when looking to the entirety of the government's case presented against this defendant, the narrow exception of non-hearsay evidence is certainly not adequate to support the jury's verdict of guilty as to the conspiracy charges brought against him. Also, defendant believes it is worthy to note that nowhere in the conspiracy count of the indictment in this matter or any of the overt acts charged was any mention ever made of the alleged occurrence mentioned hereinabove which was testified to by the government-informant Dawson.

Further, in urging the inadequacy of said evidence to support the jury's verdict and moving for judgment of acquittal, the Court is asked to consider the fact that the witness Dawson was acting in the capacity of a government informant (agent) at the time of the aforesaid alleged occurrence (N.T. 331) rather than a party conspirator and could not impute any of his activities to this defendant as part of the conspiracy charged. And lastly, but not least of all on this point, it is submitted that the government itself, recognizes in its Trial Memorandum, filed in response to the Court's request (N.T. 3094), in opposition to defense motions for judgment of acquittal before the jury had returned its verdicts, that there was inadequate non-hearsay

- 4 -

* N.T. refers to the Reporter's Transcript of the Notes of the Trial Testimony.

A76

evidence to support a guilty verdict on the conspiracy charges. (Gov. Memo, p. 13).

2.) Defendant contends that he is entitled to a judgment of acquittal on the verdict rendered against him on the conspiracy count in the indictment because of the variance of the only evidence presented against him which could possibly serve to support that verdict, i.e., the aforesaid alleged occurrence testified to by Dawson at Warren's home in Silver Spring, Maryland in February of 1972, which is nowhere alleged in the indictment, in contrast to the allegation set forth in Overt Act No. 23 and Count No. 10 for which the jury acquitted him. And also because of the misleading statements of the facts of the case as regards to the evidence which the government would produce to tie this defendant to the conspiracy charged to the effect that: "Defendant was a major heroin wholesaler who would sell Robinson heroin for distribution both in Washington, D.C. and other retailers of his in Pittsburgh, Pennsylvania (N.T. 15); that Pinky Miller's apartment was used to cut drugs and to have customers come visit, such as Mr. Ramsey and Mr. Turner and buy drugs; Will tell you about the roles of Ramsey and Turner during a heroin panic; March will tell you that Mr. Robinson was a steady customer that bought one and a half kilos in October of 1971 at Miss Pinky Miller's apartment at both which Mr. Dawson and Mr. Turner were present (N.T. 231)".

It is submitted that the aforesaid improprieties regarding the conduct of government counsel, coupled with the evidence presented against this defendant at trial totally at variance with the charges contained in the

indictment stripped him of his right to a fair trial and cries for judgement of acquittal, and especially when considering the inadequate non-hearsay evidence which was actually offered to establish its case against him.

3.) Defendant is entitled to a judgement of acquittal and/or a new trial because he was improperly joined and tried with numerous alledged co-conspirators of which not one shred of evidence was presented by the government to connect him in the complex scheme alledged, and because much of the evidence offered by the government as to these alledged co-conspirators to prove their participation in the crime charged, amounted to a highly prejudicial over-spill unsiftable from the minds of the trial jurors. It was the theory of the government's case based principally upon the testimony of five principal witnesses - alleged co-conspirators, Thomas Dawson, James March, Harry Pannirello, Jimmy Provitera and Dorethea Ann Ellis, that a large scale conspiracy existed over a four-year period between and among this defendant, eleven of the co-defendants with whom he stood trial, one alledged co-conspirator, Warren Robinson who had obtained a severance, and numerous other individuals not named in the indictment to distribute narcotics to dealers and retailers both in New York and Washington, D.C. areas; that the hub of the alledged conspiracy operated around the severed co-defendant Robinson who operated a Men's Shop in Washington, D.C. and two other principal figures from whom Robinson made numerous purchases of narcotics in New York for his distribution purposes, one Frank Pugliese and Paul DiGregorio who were not named in the indictment. The trial lasted over a period of ten weeks and involved a super-abundance of testimony concerning the alledged activities of Robinson of the purchase and distribution of large quantities of narcotics by and from Pugliese and DiGregorio

and the eleven co-defendants on trial with this defendant. However, all throughout these proceedings the only semblance of evidence of any substance whatsoever purporting to connect this defendant with the scheme covered during the entire period of the conspiracy alleged was the heretofore mentioned testimony of the witness Dawson set out at paragraph No. 1, supra, that defendant was allegedly given a sample of heroin by Robinson in February of 1972 in Silver Spring, Maryland which he later allegedly told Robinson was dis-credited and testimony by Dawson that Robinson told him this defendant had given a kilo of heroin from him in New York in March of 1972, a story which the trial jury rejected as evidenced by its verdict as to the substantial charge under Count No. 10 of the indictment. This defendant's testimony was not only insufficient to support the verdict of guilty returned against him on the conspiracy count of the indictment, but was also insufficient to join and try him along with all others named in the indictment and was more than the government's way of transferring guilt where it was lacking otherwise, and should require that this motion be granted.

4.) Defendant contends that the learned and Honorable Court inadvertently committed "Plain Error" in requiring the defense to make a decision in the presence of the trial jury whether or not to put 3500 material in evidence (Statements and Grand Jury testimony previously given by the government witness Dawson) (N.T. 415, 416). The facts of the case clearly show that the testimony of the witness Dawson was the sole basis for the government's charges against this defendant; that without Dawson's testimony this defendant could never have been brought to trial in the first instance and

most certainly would not have been convicted if the defense would have destroyed his credibility and/or substantially impeached the testimony which he gave. The issue relating to the 3500 material in question arose during the course of cross-examination of the witness Dawson (N.T. 413, 414, 415 and 416) by defense counsel Siegel, who sought, but was not permitted to impeach Dawson's trial testimony with said 3500 materials because of the fact that same had not been put into evidence, after Assistant U.S. Attorney Engel who was prosecuting the case had volunteered the statement that: "The government has no objection to their being offered you Honor, but they are not in evidence now." Which in turn caused the Court to respond by stating: "I assume if they are offered that the entire defense panel will object."

It is submitted that the proceedings outlined above created the clear inference to the trial jury that the 3500 materials in question would have substantiated rather than served to impeach Dawson's trial testimony and was corroborative of the government's case against him, and hence, was thoroughly prejudicial as to this defendant when recognizing that the government's case had to rest or fall on the jury's acceptance of Dawson's trial testimony.

5.) Defendant contends that he should be granted a judgment of acquittal because the trial jury was not able to properly evaluate the evidence presented against him, for the reason that at no time was the jury ever instructed that none of the activities of the witness Dawson were to be considered as evidence of the conspiracy charged against him. The facts of the case, as testified to by Dawson (N.T. 231), show that at the time of all of the alleged transactions associating this defendant with the conspiracy charge, "Dawson

was acting in the capacity of an informant and government agent, and hence, could not while acting in that capacity as such conspire to do the very things which the government now contends it set out to prevent. Further, since this defendant could not conspire with the government to violate its own laws, and since all of the alleged activities involving him connected to the conspiracy charged were alleged transactions participated in with and through the witness Dawson, it is difficult to reason that the jury would not have been inclined to render a different verdict if they would have been specifically and affirmatively advised that from the time Dawson became a government agent, nothing allegedly done or said by him in furtherance of the alleged conspiracy was to be considered as evidence of the existence of that conspiracy.

6.) Last, but perhaps not least, it is urged that this defendant should be granted a judgment of acquittal in this matter because of the unreasonable delay by the government in bringing him to trial for the acts charged and because it is clear from the history of the case that he has been a victim of "Selective Prosecution". This defendant is presently incarcerated in the custody of the United States Marshal General pursuant to a sentence of ten (10) years obtained against him in the U.S. District Court for the District of Maryland for the offense of Income Tax Evasion, and has been in Federal Custody pursuant to said sentence for approximately thirty-four (34) months. The conspiratorial acts for which he has been tried and convicted of allegedly having committed were supposed to have occurred in February of 1972 and March of 1972. However, the indictment in this matter was not sought against him until May 17, 1974, which was in the District of Columbia, and was not returned against him until January of 1975, in the

Southern District of New York. And he was not put to trial until February of 1976, approximately four (4) years later. It is submitted that the delay occasioned has been purposeful and that . . . has been an object of selective prosecution based upon the following chronology of the case:

"On October 26, 1972, a grand jury in the District of Columbia returned an indictment at Criminal Case No. 1971-72 charging twelve defendants with a conspiracy to violate various narcotic laws. That indictment alleged that the conspiracy existed from about September 1, 1967 to about April 30, 1971. On January 31, 1973 the U.S. Attorney for the District of Columbia procured a superseding indictment, Criminal No. 99-73, naming the twelve original defendants and one additional defendant, this defendant, William Turner. On February 26, 1973 on a motion by the government, the U.S. District Court dismissed the first indictment, Crim. Case No. 1971-72, and March 29, 1973 the government orally moved to dismiss the second indictment at Crim. Case No. 99-73 which had included this defendant. The reasons advanced by the government for dismissal of the aforesaid indictment were (1), "grave deterioration in health of a key witness" who would probably not be able to appear in Court at the time scheduled for trial" and (2), the discovery by the government that another important witness was unreliable. That Court also granted the motion to dismiss made on March 29, 1973. Thereafter, on December 27, 1973, nine months after the dismissal of the District of Columbia case, the government procured a third indictment in the Southern District of Florida naming this defendant along with six of the defendants in the aforesaid indictment returned in the District of Columbia. On April 25, 1974, Chief Judge Tilton of the U.S. District Court for the Southern District of Florida, expressing the opinion that the

government was "Court Shopping", transferred the matter to the District of Columbia on motions by the defense pursuant to Rule 21 (b), Fed. R. Crim. P., and motions to dismiss for lack of a speedy trial. After the case had been transferred to the District of Columbia, on May 16, 1974, the motions to dismiss was granted as to this defendant and the aforesaid six other defendants by District Court Judge Gesell, noting that when he had dismissed aforesaid indictment No. 92-74, the dismissal was with prejudice as to any possibility of reinstituting the case in that District.

All of the aforesaid charges and offenses are set forth in the opinion of the U.S. Court of Appeals for the District of Columbia affirming Judge Gesell's dismissal order in the Court at U.S. of *Isarica vs. Rogelio Moder Lara et al.*, 534 F.2d 1157, decided October 2, 1975.

After Judge Gesell's dismissal order of May 16, 1974, the government again made an abortive effort to obtain an indictment against this defendant on May 17, 1974 in the District of Columbia. Here finally obtaining the instant indictment, which is verified by the 2100 material in this matter concerning the testimony which the government witness Benson gave before a Federal grand jury in Washington, D.C. on May 17, 1974.

In light of the foregoing conduct by the government, defendant respectfully submits that it is abundantly clear that there has been unreasonable delay by the government in bringing him to trial in the instant matter and that he has been an unquestionable victim of Selective Prosecution.

Therefore, based upon all of the foregoing, it is respectfully prayed that this Honorable Court will grant this application, and any and all other relief which the Court may deem just and proper.

RESPECTFULLY SUBMITTED

101 William C. [Signature]
Defendant Pro Se

A83

PROOF OF SERVICES

I, William Turner, hereby state that I have served one (1) copy of the foregoing motion on the United States Attorney for the Southern District of New York, U.S. Department of Justice, Foley Square, New York, New York 10007, on this 7th day of May, 1976; via U.S. Mails, postage prepaid.

RESPECTFULLY, ETC.

/s/ William Turner
Affiant, Defendant pro Se.

Sworn to and subscribed to before me on this day of MAY 7th, 1976

R. M. Leish
(NOTARY PUBLIC)

My Commission Expires

(Month) (Day) (Year)

NOTARY PUBLIC - Commission Expires
July 1, 1978 to 1980.
R. M. Leish (N. 100000000).

A84

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

PLAINTIFF

VS.

AL BARTON, et al.,

DEFENDANT(S)

CRIMINAL CASE NO. 75-1112 (KTD)

IN RE: WILLIAM TURNER-DEFENDANT
MOTION FOR NEW TRIAL AND/
OR JUDGMENT OF ACQUITTAL

SUPPLEMENTAL MEMORANDUM OF LEGAL AUTHORITIES IN
SUPPORT OF DEFENDANT'S MOTION

TO: THE HON. KEVIN THOMAS DUFFY, DISTRICT JUDGE:

This supplemental memorandum is submitted to the Court by the defendant, William Turner, pro se, in an effort to present legal authority in support of the issues and propositions of law upon which reliance has been placed for the granting of his motion for a new trial and / or judgment of acquittal.

1). The government did not present adequate non-hearsay evidence to support the judgment of conviction against this defendant on the conspiracy count charged. IMROY V. U.S., 256 F.2d 308 (5th Cir. 1959); RENEVERA V. U.S., 349 F.2d 946 (2nd Cir. 1963); U.S. V. MARCOSE, 275 F.2d 205 (2nd Cir. 1960).

2). Evidence presented against defendant was at variance with charge

BEST COPY AVAILABLE

• A85

of conspiracy contained in the indictment, and he was prejudiced by misstatements of facts by the prosecuting attorney as to evidence which the government would produce to support its case against him. BERGER VS. U.S., 335 U.S. 78, 55 S.Ct. 629, 79 L.Ed. 1314 (1955); U.S. VS. GOSS, 329 F.2d 180 (2nd Cir. 1964).

3). Defendant was improperly joined and tried with numerous alleged co-conspirators for which the government offered no proof to connect him, and was fatally prejudiced by an over-spill of evidence wholly unrelated to him. U.S. VS. GOSS, supra; U.S. VS. BENTVINA, supra; U.S. VS. ROYANCE, 215 F. Supp. 390 (1963).

4). It was 'Plain Error' for the Court to require the defense to make a decision in the presence of the trial jury whether or not to put 3500 material (Government witnesses signed statements and prior grand jury testimony) in evidence, along with the Court and prosecutor's comments related thereto. GRIGORY VS. U.S., 369 F.2d 185 (D.C. Cir. 1966); JOHNSON VS. U.S., 347 F.2d 805 (D.C. Cir. 1965).

5). Defendant could not conspire with government witness Dawson to violate the laws of the United States at time when he was active undercover agent and government informant; Court failed to give proper instructions with respect thereto, and trial jury was not able to properly evaluate evidence presented against this defendant U.S. VS. CHASE, 372 F.2d 453 (4th Cir. 1967); STARS VS. U.S., 343 F.2d 139 (5th Cir. 1965).

6). Judgment of acquittal should be granted because of unreasonable delay by the government of bringing this defendant to trial, and because he has been a victim of 'Selective Prosecution'. BARKER VS. WINGO, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed. 2d 101 (1972); UNITED STATES VS. BRIGHTON, 463 F.2d 887 (D.C. Cir. 1972); YICK WO VS. HOE-KING, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886); U.S. VS. BERRIGAN, 482 F.2d 171 (3rd Cir. 1973); U.S. VS. FALK, 479 F.2d 616 (7th Cir. 1973).

RESPECTFULLY SUBMITTED

/s/.

PETITIONER PRO SE.

TRUCE OF HANDS

I, WILLIAM LUTHER, hereby state that I have served one (1) copy of the foregoing Supplemental Memorandum on the United States Attorney for the Southern District of New York, United States Department of Justice, Foley Square, New York, New York 10007, on this day of 1976; via U.S. Mails, postage prepaid.

RESPECTFULLY, ETC.

/s/.

AFFIANT, PETITIONER PRO SE.

Sworn to and subscribed to before me on this ... day of ... 1976.

(NOTARY PUBLIC)

THE COURT: United States v. William Turner,
75 Cr. 1112.

MR. ENGEL: Ready for the Government, your
Honor.

THE COURT: There is outstanding a motion for
a judgment of acquittal -- Mr. Turner? There he is. -- or
a new trial. That motion is denied.

Mr. Turner, it is my invariable practice to let
the attorney for a defendant review the presentence report.
Since you represented yourself, you can read it (handing).

(Recess)

THE COURT: In United States v. William Turner,
also known as "Dog," does the Government have anything to
say?

MR. ENGEL: Your Honor, I normally make an
effort to review the presentence report. However, because
of the complications of Mr. Turner representing himself and
having been at Lewisburg in the past week and his inability
to have read it prior to mine, I have not reviewed it and I
would like to look at it before I address the Court on Mr.
Turner's sentence.

THE COURT: Sure.

MR. ENGEL: Thank you.

THE COURT: Let me know when you finish.

A88

3517, Dawson - Memo from John F. Arntz, 1/11/74.

3517A, Dawson - Plea of Guilty to 73 Cr. 1099,
1/11/74.

3518, Dawson - Grand Jury Testimony - D.C.,
5/17/74.

3519, Dawson - Report of Investigation by
SA Richard J. Mangan, 11/4/74.

3520, Dawson - DEA Case Report by SA Richard J.
Mangan, 3/6/75.

3521, Dawson - Report of Investigation by
SA Richard J. Mangan, 6/4/74.

3521A, Dawson - AUSA Engel Notes, 4/28/75.

3522, Dawson - Grand Jury Testimony, 5/1/75.

3523, Dawson - Notes of Interview by
AUSA Thomas E. Engel, 7/2/75.

3524, Dawson - Rap Sheet.

3524, Dawson - Testimony in U.S. v. Tramunti.

MR. GOLDBERGER: Your Honor, I have a quick
application.

The motion is to renew the previously made
motion to waive the jury in this case. Mr. Engel, I believe,
according to the Court's instructions, was to inquire of
his office as to whether or not the Government would alter
its position.

A89

SENTENCE AND PROBATION/COMMITMENT ORDER

MONTH DAY YEAR
May 21, 1976

In the presence of the attorney for the government the defendant appeared in person on this date Defendant produced in court on writ of habeas corpus ad prosequendum.

☒ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☐ WITH COUNSEL

(Name of counsel)

☒ Defendant Pro-Se.

PLEA

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE, ☒ NOT GUILTY

There being a ^{Jury} ~~trial~~ verdict of ☒ NOT GUILTY. Defendant is discharged on ct. 10.
☒ GUILTY, on ct. 1.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of Conspiracy to violate the Federal Narcotic Laws.

(Title 21, U.S. Code, Section 846.)

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

FIFTEEN (15) YEARS on count 1.

This sentence is to run concurrently with sentence the defendant is presently serving in District of Maryland at Baltimore imposed on August 15, 1973.

Pursuant to the provisions of Section 841 of Title 21, U.S. Code, defendant is placed on special parole for a term of Six (6) Years, to commence upon expiration of confinement.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, commitment to Atlanta Georgia.

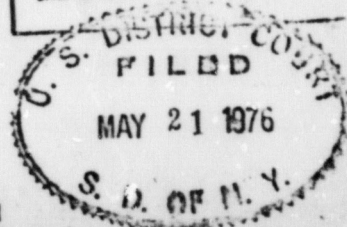
SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

KEVIN THOMAS DUFFY

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.



UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

Docket Number XXXXXXXX 75 Cr. 111

-v-

KEVIN T. Duffy
(District Court Judge)

WILLIAM TURNER

NOTICE OF APPEAL

Notice is hereby given that William Turner appeals to the United States Court of Appeals for the Second Circuit from the ☒ Judgment ☐ order ☐ other (specify) OF CONVICTION entered in this action on May 21, 1976 (Date)

NANCY ROSNER
(Counsel for Appellant)

Date May 25, 1976
To: UNITED STATES ATTORNEY
Foley Square
New York, New York

Address 401 Broadway
New York, New York 10013
(212) 925-8844

Phone Number (212) 925-8844

ADD ADDITIONAL PAGE IF NECESSARY

(TO BE COMPLETED BY ATTORNEY)

TRANSCRIPT INFORMATION - FORM B

▶ **QUESTIONNAIRE**

- ☒ I am ordering a transcript
☐ I am not ordering a transcript
Reason:
☐ Daily copy is available
☐ U.S. Attorney has placed order
☐ Other. Attach explanation

▶ **TRANSCRIPT ORDER**

- Prepare transcript of
☐ Pre-trial proceedings
☒ Trial
☒ Sentence
☐ Post-trial proceedings

▶ DESCRIPTION OF PROCEEDINGS FOR WHICH TRANSCRIPT IS REQUIRED (INCLUDE DATE).

The ATTORNEY certifies that he will make satisfactory arrangements with the court reporter for payment of the cost of the transcript. (FRAP 10(b)) ▶ Method of payment ☒ Funds ☐ CJA Form 21

ATTORNEY'S signature

Nancy Rosner

DATE

5/26/76

▶ **COURT REPORTER ACKNOWLEDGEMENT**

To be completed by Court Reporter and forwarded to Court of Appeals.

Date order received

Estimated completion date

Estimated number of pages.

Date _____

Signature _____

(Court Reporter)

ORIGINAL A91

COPY RECEIVED
ROBERT D. FISKE JR.
SEP 7 1976
U. S. ATTORNEY
SO. DIST. OF N. Y.